

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Duke Energy Carolinas, LLC For
Approval of New Cost Recovery Mechanism and
Portfolio of Demand-Side Management and Energy
Efficiency Programs

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2013 - 298 - E

(Please type or print)

Submitted by: Stephanie U. Roberts

SC Bar Number: 80073

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input checked="" type="checkbox"/> Other: Letter and COS	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		



SPILMAN THOMAS & BATTLE, PLLC

ATTORNEYS AT LAW

Stephanie U. Roberts
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* Also licensed in SC and FL

August 28, 2013

Via SCPSC E-FILING DMS

Jocelyn G. Boyd, Esquire
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, SC 29210

Re: Application of Duke Energy Carolinas, LLC for Approval of New Cost Recovery Mechanism and Portfolio of Demand-Side Management and Energy Efficiency Programs; Docket No. 2013-298-E

Dear Ms. Boyd:

Please find attached for electronic filing with the South Carolina Public Service Commission ("Commission") a copy of the SCPSC Docket Coversheet and a Petition to Intervene on behalf of Wal-Mart Stores East, LP, and Sam's East, Inc. (collectively, "Walmart") in the above-referenced matter. All parties have been served a copy of this document in accordance with the attached Certificate of Service.

Please contact us if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By 

Stephanie U. Roberts
(SC Bar No. 80073)

Derrick Price Williamson
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Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com

Counsel to Wal-Mart Stores East, LP, and Sam's East, Inc.

SUR/lhi
Enclosures
c: Certificate of Service

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2013-298-E

IN RE:

Application of Duke Energy Carolinas, LLC)	
For Approval of New Cost Recovery)	
Mechanism and Portfolio of Demand-Side)	PETITION TO INTERVENE
Management and Energy Efficiency Programs)	OF WAL-MART STORES EAST, LP,
	AND SAM'S EAST, INC.

Pursuant to Rule 103-825 of the rules and regulations of the South Carolina Public Service Commission ("Commission"), Wal-Mart Stores East, LP, and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, respectfully requests that the Commission permit it to intervene and become a party in the above-captioned matter. In support of its Petition to Intervene, Walmart submits as follows:

1. On August 1, 2013, Duke Energy Carolinas, LLC ("Duke") filed an Application with the Commission for approval of New Cost Recovery Mechanism and Portfolio of Demand-Side Management ("DSM") and Energy Efficiency Programs ("EE"). The Application was filed pursuant to S.C. Code Ann. Sections 58-37-20 (Cum. Supp. 2012) and 10 S.C. Code Reg. 103-819 and 823.

2. Walmart is a national retailer of goods and services throughout the United States. Walmart's principal office is at 2001 SE 10th Street, Bentonville AR 72716-0550.

3. Walmart has the privilege of providing its retail services in the State of South Carolina. Walmart is a large commercial customer of Duke. Walmart has approximately 25 facilities in South Carolina that are served by Duke, which include Walmart Supercenters, Sam's Clubs, and gas stations. Walmart purchases more than 100 million kWh annually from Duke, principally pursuant to service under Rate Schedule OPT. Electricity is one of the single highest

operating costs faced by Walmart. As a result, any modification to Duke's electric rates and terms of service has the potential to substantially impact Walmart's operations in South Carolina.

4. In this proceeding, Duke has requested "that qualifying non-residential customers be allowed to opt-out of the DSM and/or EE portion" of its DSM/EE rider. Application, pp. 4-5. Walmart is committed to investment in EE and DSM, but as the opt-out qualifications are defined by Duke,¹ Walmart would not qualify for the opt-out, even though Walmart's substantial individual investment in EE and DSM warrants such qualification. As such, Walmart has a direct and substantial interest in the outcome of this proceeding, in addition to Walmart's unique status as a single commercial customer that purchases substantial amounts of electric and related services from Duke pursuant to multiple accounts at multiple locations. Aggregated, these accounts have load that is likely comparable to or surpasses the load of most industrial accounts of Duke. Thus, Walmart has an interest in this proceeding that is not represented by any other party.

5. The attorneys representing Walmart in this proceeding are:

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Ms. Roberts is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also respectfully requests that Mr. Williamson be added jointly to the service list. Walmart plans to cause to be filed a motion for Mr. Williamson to be admitted *pro hac vice*

¹ Direct Testimony of Jane L. McManeus, Exh. 5, p. 3 of 4; Direct Testimony of Timothy J. Duff, p. 40, n.3.

before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Williamson be added to the official service list as an attorney authorized to accept service of papers in this proceeding.

6. This Petition to Intervene is timely filed, as this intervention request precedes the Commission's established deadline for intervention of September 3, 2013.

7. Walmart intends to address the opt-out issue raised in the Application and supporting testimony. Walmart is still evaluating the amount of time that Walmart would require to make a presentation to the Commission if a hearing were to be scheduled.

WHEREFORE, Wal-Mart Stores East, LP, and Sam's East, Inc., respectfully request that they together be granted leave to intervene and made a party to the above-captioned proceeding.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By 

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Counsel to Wal-Mart Stores East, LP, and Sam's East, Inc.

Dated: August 28, 2013

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2013-298-E

In the Matter of:

Application of Duke Energy Carolinas, LLC
for Approval of New Cost Recovery Mechanism
and Portfolio of Demand-Side Management and
Energy Efficiency Programs

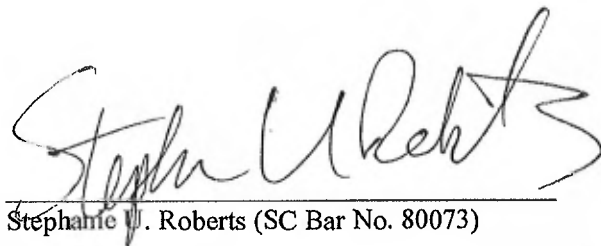
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served one (1) copy of the foregoing document upon the following parties to this proceeding via First Class Mail:

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Stephanie W. Roberts (SC Bar No. 80073)

Dated: August 28, 2013